

## MEMORANDUM

REFERENCE SE# 05-06

**TO:** Special Education Directors, Local Educational Agencies, Colleges and Universities, Other State Agencies, and Organizations and Individuals Concerned about the Education of Students with Disabilities

**FROM:** Robert A. Marra, Associate Superintendent  
Indiana Department of Education, Division of Exceptional Learners

**RE:** **IMPLEMENTATION OF THE *INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT (IDEIA)***

**DATE:** June 22, 2005

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The reauthorized *Individuals with Disabilities Education Act* (known as the *Individuals with Disabilities Education Improvement Act* or IDEIA) was signed into law on December 3, 2004. The law takes effect on July 1, 2005, except for the provisions in the law pertaining to highly qualified special education teachers.<sup>1</sup>

Indiana's special education rules, promulgated at 511 IAC 7-17 thru 7-31 (commonly known as Article 7), will not be amended by the Indiana State Board of Education to reflect, in whole or in part, the changes in IDEIA until federal regulations interpreting IDEIA are adopted by the U.S. Department of Education. After federal regulations are adopted, the Indiana Department of Education's Division of Exceptional Learners (the Division), with input from a number of constituencies, will recommend to the State Board of Education changes it believes need to be made to Article 7. As always, any changes to Article 7 will be made through the State of Indiana's administrative rule promulgation process that requires public hearings to be held and comments to be solicited on the proposed changes.

Nevertheless, on July 1, 2005, local educational agencies (LEAs) will have to comply with provisions in IDEIA that either:

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<sup>1</sup> The *No Child Left Behind Act of 2001* (NCLB) stipulates that the requirements for highly qualified teachers must be fully implemented by the end of the 2005-2006 school year (which in Indiana is June 30, 2006) and does not differentiate between special educators and general educators.

- (1) Impose a requirement that is absent from Article 7 or
- (2) Impose a higher requirement than what is currently included in Article 7.

When Article 7 imposes a higher requirement than what is required by IDEIA, LEAs will continue to implement the Article 7 requirement until the Article 7 requirement is amended.

Attached to this memorandum are several documents that will assist special education directors, schools, parents, advocates, and others in knowing when to implement IDEIA requirements or Article 7 requirements. These documents include:

- (1) IDEIA/Article 7 side-by-side comparison chart. The left side of the chart highlights new provisions of the IDEIA that must be implemented starting July 1, 2005. The right side of the chart identifies the requirements of Article 7 that must continue to be implemented because Article 7 imposes a higher requirement than what is required by IDEIA. This document is also available on the Internet at:  
<http://doe.state.in.us/exceptional/speced/whatsnew.html>.
- (2) *Frequently Asked Questions (FAQ) about Indiana Special Education after IDEA Reauthorization*. This document answers a variety of questions about the impact of the requirements of the IDEIA and the procedural implications for the implementation of special education in Indiana. Many of the questions included in the document were submitted to the Division from special education directors and others. This document is also available on the Internet at:  
<http://doe.state.in.us/exceptional/speced/whatsnew.html>.
- (3) An addendum to the Division's *Notice of Procedural Safeguards and Parent Rights in Special Education* (NOPS). This addendum substantially changes the sections in the NOPS titled *MEDIATION* and *DUE PROCESS HEARINGS, APPEALS, COURT ACTIONS, and ATTORNEY FEES*. The Division will not update the entire NOPS until final federal regulations interpreting IDEIA are promulgated. In the meantime, the addendum is considered a part of the NOPS, and LEAs must distribute the addendum whenever it distributes the NOPS to parents. A copy of the addendum is also available on the Internet at:  
<http://doe.state.in.us/exceptional/speced/whatsnew.html>.

In addition to the documents listed above, the Division has prepared a Highly Qualified FAQ document. This document contains a number of questions and answers designed to assist LEAs, teachers, and others in understanding the highly qualified special education teacher requirements as delineated in *No Child Left Behind* and the IDEIA. This document will be available on the Internet no later than July 1, 2005, at:  
<http://doe.state.in.us/exceptional/speced/whatsnew.html>.

For questions regarding IDEIA and Article 7, contact Nina Brahm at 232-9065 or by e-mail at [kbrahm@doe.state.in.us](mailto:kbrahm@doe.state.in.us). For questions regarding the Highly Qualified FAQ document, contact Jennifer Campbell at 233-3469 or by e-mail at [Campbell@doe.state.in.us](mailto:Campbell@doe.state.in.us).